

### III. REMARKS

Claims 1-7 are pending in this application. By this amendment, claims 1 and 5 have been amended. These amendment is supported by Applicants' original specification, for example, at page three. Applicants are not conceding in this application that this claim is not patentable over art cited by the Examiner, as the present claim amendments and cancellations are for facilitating expeditious allowance of the claimed subject matter. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-7 are rejected under 35 U.S.C. 112, second paragraph for allegedly being indefinite. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Skemer (US Pub. No. 2001/0044893), hereinafter "Skemer" in view of Kalavade et al. (US Pub. No. 2003/0051041), hereinafter "Kalavade." Applicants respectfully request withdrawal of the rejections.

With respect to claim rejections under 35 U.S.C. 112, second paragraph, Applicants respectfully submit that the claims are not indefinite. Applicants have amended claim 1 to clarify that the method employs a plurality of NASSs. Accordingly, Applicants respectfully request withdrawal of the rejection.

With respect to claim rejections under 35 U.S.C. 103(a), Applicants respectfully submit that Skemer and Kalavade fail, alone or in combination, to disclose the features of claim 1. Specifically, Skemer and Kalavade fail to disclose the features of claim 1 "...in an IP network without a Simple Network Management Protocol (SNMP) agent..."

(Claim 1). As described in Applicants' "Background of the Invention" section (Page 3, lines 10-25), the method of claim 1 is performed "in networks that do not have such a framework [SNMP agent] installed." (Applicants' original specification at page 3). In contrast, the system of Skemer discloses the use of "...SNMP-based statistics collected by the IAD..." (Skemer at para. 56). As such, Skemer describes a different network environment than that of claim 1. In fact, Skemer describes a network environment described in Applicants' "Background of the Invention" section of the original application. (Applicants' specification at page 3). The method of claim 1 is performed "in an IP network without an [SNMP] agent..." (Claim 1). Skemer does not disclose such a method. Accordingly, Applicants respectfully request withdrawal of the rejection.

Kalavade fails, *inter alia*, to overcome the deficiencies of Skemer, discussed herein. Accordingly, Applicants respectfully request withdrawal of the rejections based upon combinations of Kalavade and Skemer.

Applicants hereby reiterate arguments made in the Amendment of 17 October 2008, and point the Office's attention to those arguments with respect to the "identifying" and "repeatedly polling" portions of claim 1.

The dependent claims are believed allowable for the same reasons stated above, as well as for their own additional features.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Examiner's analysis, combinations, and modifications of the various references or the motives cited for such

combinations and modifications. These features and the appropriateness of the Examiner's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

/Matthew B. Pinckney/

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